

UNITED STATES DISTRICT COURT

Southern District of New York

HARBINGER CAPITAL PARTNERS MASTER  
FUND I, LTD., ET AL.

SUMMONS IN A CIVIL CASE

V.

WACHOVIA CAPITAL MARKETS, LLC, ET AL.

CASE NUMBER

07 CIV 8139

JUDGE CHIN

TO: (Name and address of Defendant)

Wachovia Capital Markets, LLC  
301 S. College Street  
One Wachovia Center  
Charlotte, NC 28202

BDO Seidman, LLP  
Attn: Nancy Berger  
1 Prudential Plaza  
130 East Randolph STE 2800  
Chicago, IL 60601

Gregory J. Podlucky  
345 Cobblestone Lane  
Ligonier, PA 15658

Robert B. Lynn  
3187 Route 711 South  
Ligonier, PA 15658

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Michael B. Carlinsky  
Richard I. Werder  
Robert S. Loigman  
Susheel Kirpalani  
Quinn Emanuel Urquhart Oliver & Hedges, LLP  
51 Madison Avenue, 22<sup>nd</sup> Floor  
New York, NY 10010

Tel.: (212) 849-7000

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

SEP 17 2007

CLERK

DATE

(By) DEPUTY CLERK

RETURN OF SERVICE

|  |   |
|--|---|
| Service of the Summons and complaint was made by me <sup>(1)</sup> | DATE <u>September 19, 2007 at 7:30 PM</u> |
| NAME OF SERVER (PRINT) <u>THOMAS HOLLETT</u>                       | TITLE <u>PROCESS SERVER</u>               |

Check one box below to indicate appropriate method of service

☒ Served personally upon the defendant. Place where The residence of Gregory J. Podlucky  
3415 Cobblerstone Lane, Digomer, PA 15658

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were \_\_\_\_\_

☐ Returned \_\_\_\_\_

☐ Other (specify): \_\_\_\_\_

STATEMENT OF SERVICE FEES

|        |          |       |
|--------|----------|-------|
| TRAVEL | SERVICES | TOTAL |
|--------|----------|-------|

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on September 20, 2007 Thomas W. Hollett  
 Date Signature of Server

1501 Preble Ave, Pittsburgh PA  
 Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.